

Court of Appeals, State of Michigan

ORDER

People of MI v Ricardo Pena

Docket No. 266031

LC No. 05-003228 02

Helene N. White
Presiding Judge

Brian K. Zahra

Karen M. Fort Hood
Judges

The Court orders that the motions for immediate consideration and remand are GRANTED and this matter is REMANDED to the trial court to allow defendant appellant to move for a new trial. The prosecutor's confession of error is accepted to the extent that the Court specifically vests the trial court with jurisdiction and authority to grant a new trial. The Court retains jurisdiction for this appeal, but will expect the parties to stipulate to dismiss this appeal under MCR 7.218(B) if the trial court grants a new trial.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 30 2006
Date

Sandra Schultz Mengel
Chief Clerk